United Nations A/HRC/37/NGO/146

General Assembly

Distr.: General
15 February 2018

English only

Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 4
Human rights situations that require the Council's attention

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, a non-governmental organization in special consultative status, and International Educational Development, Inc. and the World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-02358(E)
1802358

Please recycle

Mosul – Rebuilding After Destruction and Bringing Accountability*

Protection of Civilians

Months after the end of the so-called "liberation" campaign conducted by Iraqi forces with the support of the international coalition that was led by the United States of America, many civilians in Mosul, Iraq are still under the threat of Iraqi Security Forces (ISF) as well as the Iraqi Federal Police. Reports allege that civilians are being indiscriminately abducted under the suspicion that they may have been with or had ties with ISIS. As well, innocent civilians who have, or had relatives associated with ISIS are also under threat.

Humanitarian Situation

The city of Mosul is in desperate need of humanitarian assistance. During the occupation of ISIS, which seized the city in 2014, innocent civilians and residents suffered a great deal as they witnessed the destruction of their city and innocent lives were subject to horrific atrocities. The Battle of Mosul, which concluded with the "liberation" of Mosul that lasted from October 2016 to July 2017, further devastated the city destroying almost the entire infrastructure including indiscriminate bombing and shelling of historical and cultural sites (most notably the Great Mosque of al-Nuri), schools, universities, hospitals, and residential areas. Furthermore, there was indiscriminate bombing and shelling of historic and cultural sites; most notably the sacred minaret.

As a result, the majority of residents and civilians lack basic facilities and necessities after shelling and bombardment in civilian areas destroyed water supplies, roads and bridges, and electricity plants among others. The damage has left thousands of civilians without clean running water, adequate shelter, or even accessible food and medicine. Additionally, thousands of displaced persons are residing in camps just outside the city or are struggling to rebuild their homes.

There is an urgent need to restore stability, security, and peace in Mosul. However, this requires serious investigation into the police and military forces. Since the invasion of Iraq, the Iraqi military and police forces have gone through considerable changes that, unfortunately, were for the most part not to the benefit or security of the Iraqi people.

Moving Forward

After the so-called US-led "liberation" campaign against ISIS in Mosul much of the city was devastated and now lies in ruins. Civilian areas that were targeted were bombarded and destroyed resulting in devastation of homes and basic civil services and facilities. For the thousands of displaced persons this means that they have no home to go to and lack the basic necessities to make a living. Moreover, corruption is leaving civilians with a complete lack of confidence in the government and unconvinced that justice and accountability will be achieved.

Already, after driving out ISIS forces from several cities mass execution of prisoners has taken place by the Iraqi authorities. This constitutes a serious and severe violation of international human rights obligations, in particular the International Covenant on Civil and Political Rights, to which Iraq has been a state party for over 40 years.[1] Such actions are counter-productive to achieving true justice and accountability.

To reiterate the recommendation by the UN High Commissioner for Human Rights, Mr. Zeid Ra'ad Al-Hussein, a special judiciary body should be established and utilized to oversee and make recommendations concerning legal

1 http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22166&LangID=E

reforms, respect for due process, fair trials, and any future trials in relation to the death penalty[2]. For this UN technical assistance will be required to carry out investigations of arbitrary killings, abductions of innocent civilians, torture, etc.

The paramilitaries, primarily the Popular Mobilization Forces (PMF) who are mostly backed by Iran, also committed grave violations under the pretext of liberating Mosul. This role, unfortunately, goes beyond Mosul as the PMF, Iran, United States and other parties involved in the campaign have already attempted to influence the social and political situation in Iraq. The Iraqi government must take the security and well-being of the people of Iraq as its paramount obligation and not contribute to sectarian violence.

While corruption within the Iraqi government continues to be rampant the current Prime Minister, Haider al-Abadi announced late last year (2017) that the next fight in Iraq will be against corruption. However, the language used and the plans and policies in place have not changed suggesting that corruption will continue as in the past[3]. Considerable changes and reforms need to be urgently implemented within the judicial and political system if the human rights of the Iraqi people are to be respected and secured.

Accountability

Resolutions on the human rights violations committed during the "liberation" campaign and accountability for war crimes are more than welcomed. However, Security Council Resolution 2379, adopted on the 21st of September 2017 against the crimes committed by ISIS in Iraq is insufficient in terms of bringing accountability for the actions of the various perpetrators and ensuring justice to the victims in Mosul. Due to the current state of the Iraqi government an independent tribunal, as stated in Resolution 2379, would not be able to cooperate with the national courts nor complement investigations that are being carried out by local authorities.

To achieve accountability, an independent international commission of inquiry is needed to bring justice to victims of grave human rights violations as well as to missing persons and their family members. Families who have submitted appeals for investigations regarding relatives claim that no such investigation has taken place even though appeals were submitted over a year ago. This clearly demonstrates that the Iraqi government does not have the full capacity to carry out exhaustive and impartial investigations through processes conforming to international norms regarding truth, justice, and reparations.

It must be emphasised that all perpetrators, and not only ISIS terrorists, should be held to account. It is now well-known that the US-led International Coalition was also responsible for massive attacks, airstrikes, shelling, and bombardment in civilian areas taking the lives and wounding thousands of innocent people and destroying their homes. Moreover, on the ground militia groups were reported for committing grave human rights abuses and various crimes including extrajudicial killings and torture.

Ensuring Justice

The involvement of the US-led International Coalition that was launched in Mosul requires their due responsibility to account for the destruction of infrastructure and suffering of civilians. They must pay redress for the devastation brought on the victims including the grave human rights violations and violations of fundamental freedoms, to which the people of Mosul are entitled to and who also have "the right to restitution, compensation and rehabilitation" as per Human Rights Resolution: 2004/34 and Human Rights Resolution: 2005/35.

The UN should provide all necessary technical assistance to facilitate the re-unification of families. According to the report by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Ms. Agnes Callamard, entitled "End of visit statement"[4] she reported that mass graves sites are numerous all over Iraq and that at the current pace of

2 Ibid

3 http://www.aljazeera.com/indepth/opinion/2018/year-change-iraq-171228090329996.html

4 http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22166&LangID=E

exhuming and investigating the victims the procedure will take decades; a duration that is completely unacceptable for the victims' families.

Also, the relocation of displaced persons requires strategic planning for the long and short term and a reasonable and adequate budget. Many families who currently reside in camps are not able to return to their previous places of residence since they have nothing to return to as is the case with residents of Mosul, which was nearly entirely destroyed by the warring parties. Residential areas have been reduced to rubble and civilians alone cannot rebuild their torn down cities without adequate assistance from those responsible and the international community. Furthermore, truth and reconciliation should be in accordance with post-conflict obligations under International Humanitarian Law and International Human Rights Law and as Ms. Callamard expressed, the international community must "support the transitional justice process, including by providing comprehensive and impartial assistance, and by paying equal attention to international crimes, including war crimes and crimes against humanity, no matter who had committed them."5

Trust between government and civil society is key towards achieving transitional justice especially when working together. However, the scepticism of victims and others, concerning the judicial system is warranted due to the fact that there have been several instances of arbitrary killings and disappearances attributed to the ISF as well as the PMF.

The United States and Iraq should sign and ratify the Rome Statute of the International Criminal Court, which will be of assistance in prosecuting all perpetrators and providing adequate justice to the victims of human rights abuses and violations.

Recommendations:

- *Ensure* protection, confidentiality, and support to victims specifically for them to speak out and document human rights violations of all kinds. Special care must be taken to ensure the safety of women and girls who were victims of sexual violence.
- *Encourage* victims to speak up in cooperation with the judicial and legal systems accounting for the crimes committed by all perpetrators during the ISIS occupation and liberation campaigns.
- *Provide* technical assistance to help eliminate corruption within the judicial and political system of Iraq.

---

*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, The Brussells Tribunal, Euro-Mediterranean Human Rights Monitor, Association of Humanitarian Lawyers (AHL), The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, International Anti-Occupation Network (IAON), NGOs without consultative status, also share the views expressed in this statement.

---

5 http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22454&LangID=E